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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 19-cv-00063-KHR

1106 JULIE LANE, POWELL, WY,

**468 and 483 HAMILTON WAY,
POWELL, WY,**

TBD LANE 8½, POWELL, WY,

**2016 POLARIS RANGER CREW 900-6
EPS, VIN # 3NSRVE877GG515816,
AND ALL ACCESSORIES,**

**2015 PJ UTILITY TRAILER,
SERIAL # 4P5C51623G1238657,**

and

**ALL FUNDS DEPOSITED IN BIG
HORN FEDERAL SAVINGS BANK
ACCOUNTS ENDING IN 3915
and 6395,**

Defendant-Properties.

**BIG HORN FEDERAL SAVINGS
BANK,**

Claimant.

MOTION FOR JUDGMENT OF FORFEITURE

The United States of America, by and through Assistant United States Attorneys Eric Heimann and C. Levi Martin, respectfully requests entry of a judgment of forfeiture as to the above-described Defendant-Properties because the only timely-filed claim to any of the Defendant-Properties has been settled, and the time to file a claim has now passed. In support of this motion, the United States asserts the following.

1. On March 25, 2019, the United States filed a verified complaint seeking to forfeit the Defendant-Properties, all of which belonged to Northwest Wyoming Treatment Center Inc. (NWTC). *Verified Compl.*, Doc. 1. The government alleged that the Defendant-Properties were forfeitable under 18 U.S.C. § 981(a)(1)(C), as personal and real property constituting, or derived from, proceeds traceable to healthcare fraud in violation of 18 U.S.C. § 1347. *Id.* at ¶¶ 6-8.

2. As part of an agreement with the government, NWTC (through its board of directors) consented to the forfeiture. *Verified Compl.* at ¶ 16. NWTC also agreed that the United States could prove that NWTC submitted false and fraudulent substance-abuse treatment bills to Wyoming Medicaid, and that each of the Defendant-Properties constituted fraud proceeds or property derived from fraud proceeds. *Id.*

3. On March 27, 2019, the government sent notices of this civil forfeiture action to NWTC, Big Horn Federal Savings Bank (Big Horn or the bank), and two individuals connected to NWTC and the Defendant-Properties. Docs. 3-5.

4. On April 22, 2019, Big Horn filed a claim to the real properties at 1106 Julie Lane and 468 Hamilton Way. Docs. 12 and 12-1. The bank's claim was based on mortgages granted by NWTC to Big Horn in exchange for a loan. Doc. 12-2.

5. The government and Big Horn settled the bank's claim. Doc. 13-2. The parties also consented to assignment of this matter to a United States magistrate judge. Doc. 14. This court entered an order adopting the terms of the settlement agreement. *Consent Order on Claim*, Doc. 15. The government requests that the forfeiture of 1106 Julie Lane and 468 Hamilton Way be subject to the terms of the consent order and settlement agreement.

6. The government published notice of its intent to forfeit the Defendant-Properties beginning April 16, 2019, and continuing for 30 consecutive days. *Decl. of Publication*, Doc. 16.

7. No other claims have been filed in this action, and the time allowed by Rule G(5) of the Supplemental Rules of Certain Admiralty Maritime Claims for filing a claim and answer has passed.

WHEREFORE, for the reasons stated above, the United States of America, under Rule 58 of the Federal Rules of Civil Procedure, and Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims, respectfully requests entry of judgment of forfeiture as to the Defendant-Properties. Included with this motion is a proposed order with the terms requested by the government.

Dated this 5th day of September 2019.

MARK A. KLAASSEN
United States Attorney

By: /s/ Eric J. Heimann
ERIC J. HEIMANN
Assistant United States Attorney

CERTIFICATE OF SERVICE

It is hereby certified on the 5th day of September 2019, a true and correct copy of the foregoing was served upon counsel of record by electronic filing.

/s/ Teresa L. Gonzalez
United States Attorney's Office